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SUBJECT: MADAGASCAR: IMPASSE IN THE NEGOTIATIONS

Classified By: POLOFF JEFF HULSE FOR REASONS 1.4 B AND D.

1.(C) SUMMARY: Negotiations between Madagascar's four main political movements remain blocked over the details of an amnesty deal for former President Didier Ratsiraka and his supporters. During a meeting this morning (June 12) with the International Contact Group on Madagascar (ICG-M), representatives of each movement in turn gave a lengthy explanation for their intransigence, and they are unlikely to be any more flexible when the negotiations resume this afternoon at 1500. Without agreement on the amnesty, mediators will likely call for a suspension of talks, and return to shuttle diplomacy next week or later. There is increasingly a sense that some sort of resolution will be necessary before the national holiday on June 26; if not, at least two of the movements (those of the HAT and TIM/Legalists) are likely to lose patience with the AU/UN process, with the HAT tempted to seek a unilateral solution that will not work.

12. (C) However, it is not clear that any of the movements (save perhaps that of Albert Zafy) are willing to make the kind of compromises that will be required for the negotiations to succeed. The defacto HAT government of Andry Rajoelina appears convinced that it may be able to govern on its own (or with direct French assistance), former President Marc Ravalomanana is reportedly calling on his team to simply block negotiations rather than legitimize a coup government, and former President Didier Ratsiraka has nothing to lose by dragging his feet as the HAT struggles to manage an increasingly unruly country. Pro-Ravalomanana "Legalist" demonstrators continue their daily demonstrations, but their shadow government remains sidelined: "Prime Minister" Manandafy Rakotonirina has been in house arrest outside of Tana for the last six weeks, and his "cabinet" doesn't dare appear in public for legitimate fear of arrest. END SUMMARY.

THE POLITICS OF AMNESTY

13. (C) Negotiations have been blocked since May 25, when Ratsiraka launched a boycott to force approval on an amnesty deal, and Ravalomanana pulled out in response. AU and UN mediators shuttled between the parties for the following two weeks, hammering out an arrangement that would meet Ratsiraka's demand that the amnesty come first, as a separate document ("the Declaration"), before negotiations proceed on the other issues outlined in the May 22 UN/AU/OIF/SADC press release. (Notably, this included the assignment of positions within the new transition executive and legislative bodies.) At the end of two weeks, a document had taken shape, focusing on three points: the "cancellation" of judgments, judicial condemnations, and administrative sanctions for infractions linked to the events of 2002; the reinstatement of affected civil servants, members of the military, and civilians to

their former rank and position in their previous career; and the compensation by the state for past injustices. This "preliminary" amnesty would be linked to a lengthier passage in the final Charter of the Transition ("the Charter"), which also adds that serious violations of human rights or fundamental liberties will not be covered, and that the period covered will be from January 1, 1997 up to the date of signature of the Charter. While the Ravalomanana and HAT representatives are not actually in agreement over this end date (the HAT would like it to exclude all events of 2009), they are at least willing to discuss it in the broader negotiations; the specifics of the Declaration are simply designed to keep Ratsiraka on board.

14. (C) On June 8, the movements met again for the first time since May 25, only to discover that the Ratsiraka, Ravalomanana, and Zafy movements were in agreement - but the High Transitional Authority (HAT) wasn't. HAT Foreign Minister Ny Hasina Andriamanjato stated that he was unable to sign without consulting the HAT and the Council of Ministers, and then issued a statement the following day asserting that an amnesty was a legislative act, and couldn't be granted without some form of a legislative body. He reiterated this point today, and is not likely to compromise in talks this afternoon. Since the HAT suspended the parliament in March, and no agreement has yet been reached on a transition legislature, the HAT essentially admitted its reticence to signing an amnesty at all - which a contact within the HAT confirmed verbally to EmbOff on June 10. According to this source, HAT President Andry Rajoelina has privately admitted to having broken his December 2008 deal with Ratsiraka (which would have put Ratsiraka in the presidency), and now fears a retaliation if Ratsiraka or his allies are permitted back in the country. Andriamanjato also suspects, perhaps not without cause, that this is a ploy by Ratsiraka to gain an amnesty without having to sign the final Charter; Ratsiraka's representatives have given no indication that this may be the case, but the HAT clearly would prefer that there be only one document.

15. (C) The four movements met again on June 11; the HAT team requested more time to evaluate the amnesty proposal, and the meeting was postponed to June 12 at 1500. Once the HAT formally rejects the Declaration, Ratsiraka's team will likely walk out. Ravalomanana's team will then either follow Ratsiraka out the door, and negotiations will be formally suspended, or they will press on with only the three teams, and sideline Ratsiraka by boosting Zafy's visibility in the negotiations to keep coastal ethnic groups on board (the HAT and TIM delegations are generally seen as representing highland ethnic groups). If Ravalomanana has a say in it, however, he will likely use the opportunity to quit the negotiations, and blame Ratsiraka for the failure; TIM members have confirmed to us that Ravalomanana would prefer that they did not participate in the talks. However, should TIM remain, a member of the UN mediation team has privately confirmed that the negotiations stand a much better chance of success.

16. (C) There remain significant disagreements between the HAT and Ravalomanana, but neither they nor the representatives of Zafy are as fixated on preconditions as Ratsiraka. The TIM representatives are unhappy with a new plan to divide up 160 seats of a "transition congress" evenly, with exactly 40 seats per movement; in their view, all of the elected members of parliament should be reinstated (most of whom were TIM members, although many have since defected to support the HAT), the HAT members should be integrated into parliament to form a "constituent assembly", and Ratsiraka and Zafy would be given a nominal number of seats as well as some cabinet positions. The HAT is more concerned about keeping as many of its current positions as possible, and will likely only remain engaged in dialogue as long as they can retain control of a strong set of institutions. Agreement can be reached on the end date of the amnesty, once the HAT is reassured that the violence of February 7th would not be covered. Negotiations will not be easy, but Ratsiraka's departure could at least keep the other three parties at the table,

allow them to engage on a broader range of issues, and move past this three-week impasse over amnesty.

#### THE VIEW FROM INSIDE THE HAT

17. (C) Private conversations with key players inside the movements, however, indicate that the HAT and Ravalomanana movements may not be fully invested in the success of these talks. Zaza Ramandimbirison, Chief of Staff to HAT President Andry Rajoelina, suggested on June 11 to the Ambassador that the most effective way to reach agreement on a transition charter would be to gather all four principals, without their advisors, around a table in a neutral, nearby place like Mauritius. He said that Rajoelina would not agree to go to Addis Ababa, as the AU proposed, because he views the AU as favoring Ravalomanana. According to Zaza, time is of the essence. Although UN Envoy Tiebille Drame is pushing the approach that difficult issues should be worked out before the principals come together, Zaza thinks such an approach will only cause more problems to arise, making eventual agreement all the more difficult. As the negotiations falter, the economic situation continues to deteriorate and the government has fewer and fewer resources at its disposal. Zaza believes that the four can reach agreement if away from the pressure of their advisors, many of whom reportedly have economic interests in prolonging the current lawless business environment, maintaining their transition positions, and perhaps also in seeing their principals fail as they wait in the wings. Such an agreement would have to be closely monitored by the international community to ensure that it was in fact implemented once the principals returned home and were again subject to clientelist pressures.

18. (C) If the negotiations fail, Zaza recommended that the alternative approach should be for civil society groups, backed by the international community, to organize elections as soon as possible. However, he recognized that there are currently few if any civil society groups that have remained neutral in the current conflict. He does not predict that the military would intervene in the event of failed negotiations, but rather asserted that the military is becoming more unified and responsible. At the ICG-M meeting, HAT Foreign Minister Andriamanjato agreed that "the military has had its reconciliation conference, and is now reconciled", indicating a level of confidence in military cohesion not yet supported by the facts. Zaza also did not believe that it would be possible for Ravalomanana to return as a figurehead in the current transition government. Due to Ravalomanana's personality, Zaza (correctly) feared that Ravalomanana would never be able to sit on the sidelines without intervening. He suggested that the most effective way to get Ravalomanana to bow out and/or stop blocking negotiations would be to guarantee protection of his Malagasy business interests (which are currently being pilfered).

#### PRO-RAVALOMANANA PROTESTS RETURN TO DEMOCRACY SQUARE

19. (C) On June 10, Legalist "Prime Minister" Manandafy Rakotonirina (currently under house arrest in Mantasoa, 90 minutes outside Antananarivo) requested and received a visit from Ambassador Marquardt. His objective was to ask once more that the USG recognize his cabinet, appointed by Ravalomanana in April, as the legitimate government of Madagascar. The previous day, Legalist "Foreign Minister" Elyett Rasendratsirofo had pressed the same point, alleging that our failure to recognize them "put them on the same level as the coup plotters". The essential elements of the Legalist plan have not changed in months: they envision Ravalomanana returning as titular president, Manandafy taking over as Prime Minister, and Rajoelina becoming the head of Senate. Manandafy asserted that the US and France should put their foot down and force a solution on the negotiations (presumably the Legalist plan), or the negotiations would never succeed. Ambassador Marquardt made clear that the US had no intention of picking sides, recognizing any of these "governments", acting unilaterally, or supporting any use of force in this conflict.

¶10. (C) After weeks of peaceful demonstrations confined to the parking lot of a burnt-out Magro store (owned by Ravalomanana's Tiko Group), the pro-Ravalomanana legalist protesters marched into central Antananarivo on June 11, passing by Place de 13 Mai and ending with a peaceful rally on Place de la Democratie at Ambohitovolo Park - both key locations in the demonstrations from January to March 2009. Prior demonstrations had attracted around 1,000 people on weekdays, and up to 4,000 on weekends; yesterday's march attracted similar numbers, and ended peacefully around 1700. Another rally was organized today, also on Place de la Democratie, but was relocated to the Magro lot after security forces made clear that Ambohitovolo was off limits. Tear gas was used effectively to disperse a small number of protesters who showed up at the park, but the event ended relatively peacefully in both locations by early afternoon. Another peaceful rally has been called for June 13 at 1000 at Magro, resuming their regular pace and location.

¶11. (C) After several days of increasingly louder (and entirely unjustified) claims of American support from Ravalomanana and his supporters, the protest yesterday featured numerous American flags, and a banner thanking the U.S. for its support. According to one source in the Legalist leadership, Manandafy unjustifiably had claimed US support for the Legalist government after his conversation with Ambassador Marquardt; combined with Ravalomanana's similar claims from South Africa in the last week, there appears to have been a growing belief within the Legalists that this was true. Post released a statement on June 11 contradicting these claims, stress our impartiality, and reiterating our support for the AU/UN process; we have also engaged the Legalist street leadership directly to further clarify the U.S. position. The Ambassador received three separate phone calls on June 11 -- from Washington, Pretoria, and "Foreign Minister" Elyett -- apologizing personally on behalf of Ravalomanana for the false claims (and denying all responsibility for them).

¶12. (C) COMMENT: The current impasse is likely to persist, but the AU and UN mediators remain convinced that their patience will pay off in the end. If today's meeting results in a suspension, the team of envoys is considering traveling to southern African capitals to try to guide SADC and COMESA governments away from the idea of military intervention or the return of Ravalomanana as head of state, and giving the negotiating teams in Tana time to reconsider their demands under rising pressure. The persistent hope among TIM supporters that Ravalomanana will return to retake power, by any means possible, has only served to strengthen their intransigence both on the street and in the negotiations; it has also fed HAT paranoia, and distracted both teams from the real issues on the table. As the important June 26 national day festivities approach, there will be growing impetus to either reach a solution in the AU/UN process, or to reconsider the process itself. A possible "Plan B", according to many here, might be for the HAT to press forward with unilateral elections, having reportedly asked the Elysee directly for five million Euros for this purpose. It may be useful to remind our French friends, as frustrating as this situation is, that support for any unilateral process will not work and will only divide the international community.  
END COMMENT.  
MARQUARDT